IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 756 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ANVARHUSSAIN @ VIKKI NIYAR

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 756 of 2004
THROUGH JAIL for Petitioner No. 1
MR AY KOGJE, APP for Respondent No. 1
..... for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 19/08/2004

ORAL JUDGEMENT

RULE. Learned APP, Mr.Kogje, waives service of rule on behalf of respondent No.1.

2) By filing this application, the petitioner has prayed that he may be released on parole for a period of 21 days, as he wants to attend naming ceremony of his daughter. The Additional District Magistrate has rejected the application of the petitioner for releasing him on parole by his order dated 5/6 July, 2004.

3) Today, Mr.Kogje, learned APP submitted that the police report is in favour of the convict and he can be released on parole by imposing appropriate condition.

4) Considering the facts and circumstances of the case, this petition is allowed. The respondents are directed to give benefit of parole to the convict for a period of two weeks, on condition that he will not enter Kareli Baug police station area of Vadodara city. The convict may be released on usual terms and conditions. Before releasing the convict on parole, the jail authority may undertake appropriate procedure as prescribed under rules and thereafter, the convict may be released on parole for two weeks and on expiry of two weeks the convict should report back to the jail authority.

5) In view of what is stated hereinabove, this petition is allowed. Rule is made absolute.

(P.B.Majmudar,J.)

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